

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 09-00305 WHA

Related to:

No. C 09-00306 WHA
No. C 09-00307 WHA
No. C 09-00308 WHA
No. C 09-01192 WHA
No. C 09-01193 WHA
No. C 09-01213 WHA

NELSON V. RODRIGUEZ, MAYRA
RODRIGUEZ, ERICKA A. RODRIGUEZ,

Plaintiffs,

v.

DOWNEY SAVINGS & LOAN, and
DOES 1 TO 100, inclusive

Defendants.

ORDER RE DISMISSAL

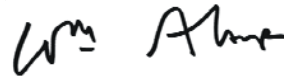
At the June 18 case management conference, plaintiffs requested that the following actions be voluntarily dismissed: Case Nos. 09-0305, 09-0307, 09-0308, 09-1192, 09-1192, 09-1193, and 09-1213. As requested, the aforementioned actions are **DISMISSED**.

Defendant Wachovia objected to dismissal of Case Nos. 09-1192 and 09-1193. The basis for its objection lacks merit. Wachovia argues that plaintiffs' conduct falls under Rule 15 as an amendment versus a Rule 41 dismissal. Plaintiffs, however, seek to dismiss all claims against all defendants. In other words, they want to dismiss the actions in their entirety. As even Wachovia notes, plaintiffs intend to "start from scratch and re-file." The new filings, if

any, would be new lawsuits rather than just an amendment. Accordingly, plaintiffs' request is for a Rule 41 dismissal and such a request terminates the actions.

IT IS SO ORDERED.

Dated: June 24, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE